

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6471

BILL NUMBER: HB 1084

NOTE PREPARED: Dec 28, 2010

BILL AMENDED:

SUBJECT: Nursing Home Employee and Resident Protection.

FIRST AUTHOR: Rep. Rhoads

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill provides that a person who intentionally retaliates or discriminates against a resident or employee of a health facility for: (1) contacting or providing information to any state official or supervisor; or (2) in good faith, contacting or providing information concerning a resident's health or safety to a state official, supervisor, health care professional employed or under contract with the health facility or resident, or spouse or other individual authorized to give health care consent for the resident; commits a Class C misdemeanor.

Effective Date: July 1, 2011.

Explanation of State Expenditures: This bill would expand the circumstances under which a comprehensive care health facility may not retaliate or discriminate against a resident or employee, thereby committing a Class C misdemeanor. In addition to the criminal provisions, the Commissioner of the Indiana State Department of Health may also undertake an administrative action for compliance and assess a civil penalty not to exceed \$25,000.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C misdemeanor is \$500. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public

defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: A Class C misdemeanor is punishable by up to 60 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Kathy Norris, 317-234-1360.